

1995 ANNUAL REPORT

UNITED STATES COURTS
DISTRICT OF COLUMBIA CIRCUIT

Chief Judge Harry T. Edwards Chief Judge John Garrett Penn

Linda Ferren, Circuit Executive

This report was prepared by the Office of the Circuit Executive. Special thanks go to Estelle Chichester for proofing it. Copies are available from the Office of the Circuit Executive, Room 4826, United States Courthouse, Washington, D.C. 20001.

Cover photographs are courtesy of Victor Boswell of the National Geographic Society. The Conference expresses its deep appreciation to Mr. Boswell and the National Geographic Society for their contribution to the Circuit's 1995 Annual Report.

Front Cover:	United States Courthouse Statue of Sir William Blackstone Washington, D.C.
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Back Cover:	United States Courthouse Washington, D.C.
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The Conference also extends thanks to Beverly Rezneck and to Earl Howard Studios for providing the photographs of the Circuit's judicial officers and managers and to others who provided photographs of Courthouse activities.

Note: All statistics are for the calendar years ending December 31, 1994, and December 31, 1995. Statistics are from reports of the Administrative Office of the U.S. Courts unless otherwise indicated.

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Carrying out the Work Of the Federal Courts

1994 and 1995 — The Years in Review

New Appointments, New Roles

Circuit Judge Harry T. Edwards became Chief Judge of the U.S. Court of Appeals in September 1994 as former Chief Judge Abner J. Mikva left the bench to become Counsel to the President. In the same year, the Circuit welcomed an unprecedented number of new judges – Judges Rogers and

Chief Judge Edwards

Tatel in the Court of Appeals and Judges Kessler, Friedman, Urbina, Sullivan, and Robertson in the District Court. Staff of both Courts worked hard to ready new chambers and to help the judges settle in. Probation Office staff provided training on sentencing law, guidelines applications, and presentence reports, and sponsored a visit to the U.S. Penitentiary and the Intensive Confinement Center, or “Boot Camp,” in Lewisburg, Pennsylvania. New District judges received briefing books and full-day orientation sessions on the Clerk’s Office, the judges’ committee structure, administrative assignments, the case assignment system, case management strategies, budget, automation, and security.

Mark Langer was appointed Clerk of the Court of Appeals in April 1995, after serving as Chief Staff Counsel for eight years. Denise Curtis was appointed Clerk of the Bankruptcy Court in late 1995. She previously served for four years as Chief Deputy for Administration in the District Court. Finally, Richard A. Houck, Jr., became Chief U.S. Probation Officer for the District of Columbia in January 1995. Formerly Deputy

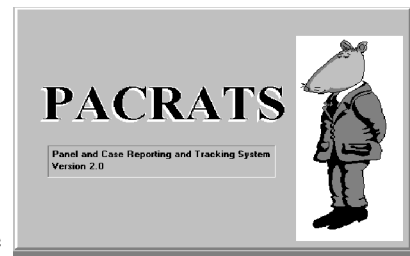
Chief in the District of Maryland, he brings 20 years of probation experience to the D.C. Circuit.

Automation Advances

The D.C. Circuit has experienced tremendous growth in its automation programs over the past two years.

In a massive conversion and training effort, all Court of Appeals PCs were equipped with the latest versions of Windows-based software, and all users received training in the use of the new applications. The Court also expanded the auto-mated resources available to chambers and offices: All desktop PCs now have instant access to court dockets, court calendars, sitting schedules, and other essential information.

The Court of Appeals Automation Team also revolutionized the way the Court conducts much of its business by developing software for several essential functions. Judges now vote on case matters electronically through a customized program which also tallies the vote record and permits panel members to share comments, memoranda, and other critical case information. A second program, PACRATS, enables judges and their staffs to track and report on the status of their cases and opinions, in addition to generating monthly and yearly case statistics. The program draws information from the Court’s main docket-ing system and places it into a format that can also be used by chambers for internal case-tracking purposes.



t h e Team

As part of the automation development effort,

also launched an Automation Help Desk as a means of providing support to Court users. And a state-of-the-art Print Center has been established to provide for the in-house production of high-quality, multi-color publications.

Great strides were also made in increasing public access to Court of Appeals automated information. With the installation of ABBS, the Court's electronic bulletin board, the public now has easy access to newly-released opinions, docket information, and other materials such as the court calendar, rules, and answers to frequently asked questions. Another new system, AVIS, allows retrieval of case information from the Court's docketing system by phone.

Newly-published opinions are also available on the Internet. As part of a consortium of law schools, Georgetown University Law Center maintains the D.C. Circuit's opinions on its Web page at <http://www.ll.georgetown.edu/Fed-Ct/cadc.html>.

The Judges' Library took full advantage of the latest technologies with the expansion of its CD-ROM library. By the end of 1995, an array of new information was electronically available to all Courthouse personnel including the *Index to Legal Periodicals*, *World Almanac*, *Martindale Hubbell*, *Code of Federal Regulations*, *Current Law Index*, *Shepard's Citations*, *West's Federal Practice and Procedure*, *Accu-Mail Zip Code Directory*, Congressional and federal staff directories, and telephone directories for the entire United States. The Library also set up an imaging center with a state-of-the-art scanner that can "read" any printed material and convert it to WordPerfect format.

By the end of 1995, the District Court had converted all judges' chambers to Windows-based software, and conversion of the remainder of the Court was underway. The Court's Automation Policy Committee, created in 1995 to address technology issues facing the Court, has formulated policies on the use of e-mail, access to the Internet, and computer security. Committee members have piloted a number of new software

packages to improve case management, calendaring, and docketing.

The Bankruptcy Court also upgraded its PC hardware and converted to Windows-based applications. During the summer of 1994, the Bankruptcy Noticing Center project was completed, providing an automated system for the production of bankruptcy notices. The Court also installed a new program which assigns and tracks trustees and assigns first meeting dates for new and converted Chapter 7 cases.

The Probation Office implemented the Probation and Pretrial Services Automated Case Tracking System (PACTS) in December 1995. PACTS assists in caseload management and statistical reporting. Soon to come: an imaging computer system that will record and store computerized images of all offenders being investigated or supervised by the Probation Office. This Circuit will be one of the first in the nation to use this system.

Dispute Resolution Programs

A growing number of class actions, complex private cases, and cases challenging government regulatory authority or the administration of a government program were referred to the Circuit's dispute resolution programs in 1994 and 1995. Settlement rates remained steady in both the Appellate and District Court programs, and new District Court mediators were trained in September 1994.

While no programmatic changes were made in the Appellate Mediation Program, the District Court changed its programs in several respects. It amended Local Rule 206 (the "meet-and-confer" rule), requiring counsel to consider in greater detail than previously whether mediation might be useful in their particular case. Additionally, the Court eliminated Early Neutral Evaluation as a separate, free-standing program. Many of the evaluators will begin mediating for the Court in 1996.

During this two-year period, interest in dispute

resolution increased dramatically throughout the

nation. Judges and D.C. Circuit staff were in considerable demand to share their expertise. One such meeting was the Anglo-American Exchange, a dialogue among prominent British and American jurists sponsored by the Federal Judicial Center in September 1995. The Exchange brought together Supreme Court Justices Sandra Day O'Connor, Anthony M. Kennedy, and Stephen G. Breyer; Circuit Judge Patricia M. Wald; District Judges Royce C. Lamberth, Gladys Kessler, and Aubrey E. Robinson, Jr.; Circuit Executive Linda Ferren; Dispute Resolution Director Nancy Stanley; Katherine Mazzaferri, Executive Director of the D.C. Bar; and mediators Jean Staudt Moore, Stephen J. Pollak, and John Bickerman. Ms. Stanley also participated in two nationwide FJC-sponsored dispute resolution training sessions for district court judges.

Supreme Court justices and British jurists prepare to discuss mediation issues with D.C. Circuit judges and managers

In 1995 the District Court received the results of the first independent evaluation made of any of the Circuit's dispute resolution programs: a report on its mediation program prepared by the Administrative Conference of the United States. The report, based upon a survey of mediators and attorneys who had participated in the program

between 1989 and 1994, showed that most attorneys surveyed were well satisfied with the program overall.

Reforms and Reorganizations

A "first-of-its-kind" public forum on the operation of the Court of Appeals Clerk's Office, hosted by Chief Judge Edwards in January of 1995, helped the Court crystallize ideas for improving some of its administrative operations. Over 100 attorneys who frequently practice before the Court of Appeals attended the forum and were encouraged to speak candidly about their concerns. Their dialogue with the Chief Judge and then-Chief Staff Counsel Mark Langer confirmed the need for some case processing improvements that the Court had been planning, and provided valuable ideas on how the Clerk's Office could better serve the bar.

The reorganization of the Clerk's Office in April 1995, which merged the Office of the Chief Staff Counsel into the Clerk's Office, resulted in a number of case processing improvements which include:

- Daily screening of all incoming pleadings by staff attorneys to ensure the proper and timely routing of all papers related to an appeal.
- The use of case administrators as specialists who concentrate on one area, such as case openings.
- Addressing direct criminal appeals as soon as they are ready for hearing.

With an increase in the number of cases requiring language and sign interpreters, the District Court established an Office of Court Interpreting in 1995 and hired its first full-time court interpreter. Fluent in Spanish, the court interpreter will play a dual role: she will serve as interpreter in criminal matters, and she will coordinate the work of contract interpreters serving the Court.

A major reorganization of job duties and

responsibilities revitalized the U.S. Probation Office in 1995. The new Chief implemented flexible work schedules, work at home days, and an exercise program. The Chief has also initiated a strategic planning effort. Phase I included revisiting the mission statement and office goals and objectives; and Phase II, currently underway, assesses current performance and sets benchmarks for evaluation. This effort has fostered teamwork and cooperation throughout the office.

A New Annex

In 1994, the Chief Judges accepted a recommendation of the Circuit's Space and Long-Range Planning Committee to seek funding for an Annex to the Courthouse. The Annex would house nine new courtrooms and provide 200,000 square feet of space for Court operations.

GSA then issued a solicitation for a contract to design the Annex, receiving responses from 26 architectural firms. A contract will be issued to the firm selected once funding is made available by the Congress.

Funding . . . that has been the challenge facing the courts in 1995. Because only limited funds are available nationwide for courthouse construction, judges and staff focussed their efforts on explaining to the AO and to Congress the Circuit's space needs and its related security concerns. In December of 1995, the Senate Environment and Public Works Committee authorized the project. House authorization, as well as Senate and House appropriations requests, were pending at year's end.

Gender, Race and Ethnic Bias Task Force

The Gender, Race and Ethnic Bias Task Force, established in 1990, completed its examination of the impact of gender, race, and ethnic bias and circulated a report of its findings in late 1995. The first study by a federal circuit to look at the issues of race and ethnicity within the federal court system and the first to look at race and gender as they affect courthouse employees, the effort involved Court of

Appeals and District Court judges, as well as a large number of local practitioners, academics, and law students who invested countless hours in the project.

Task Force committees collected a huge amount of information through surveys, interviews, and focus groups, and issued draft final reports to the Courts in January 1995. Issues were then analyzed and debated, and final action on the recommendations was taken by the Circuit Judicial Council in March 1995 (see page 18).

Honoring Court Staff

In 1995, both the Court of Appeals and the District Court sponsored special events to pay tribute to their staffs. In its first-ever Employee Recognition Day, all Court of Appeals staff were lauded for their hard work and commitment to the Court, receiving souvenir mugs specially designed for the occasion. Staff determined specific award categories, solicited nominations, arranged a reception, and selected the recipient of the Court's Peer Award.

Employee Recognition Day in the Court of Appeals

The District Court sponsored a picnic to show its appreciation to Clerk's Office staff. A number of judges joined Clerk's Office staff for fried chicken and other picnic foods on the lawn of the Courthouse.

There were traditional awards ceremonies as

well. The Probation Office held a ceremony in September 1995, presenting awards for Superior Performance, Special and Distinguished Service, and the Chief's Award for Performance Excellence. In 1994, the Court of Appeals presented Special and Meritorious Service awards to three staff members as the Court sat *en banc*, and the District Court presented special act and superior performance awards to 13 of its employees.

Chief Judge Penn joins the Probation Office in honoring its staff

D.C. Circuit Historical Society

The two major initiatives of the Historical Society – the writing of a history of the D.C. Circuit Courts and the development of oral histories of judges and lawyers who played key roles in the courts – are well underway.

Professor Jeffrey Morris, a legal historian who is writing the history, has completed the first full draft of the book, covering the creation, structure, and workings of the courts from 1801 through the 1980s. The manuscript is being edited and prepared for publication by Chris Rohmann, an experienced freelance writer and editor. The Historical Society is now searching for illustrations to be included in the book, and its members are combing the Library of Congress, the Washingtoniana Collection at the Martin Luther King, Jr. Memorial Library, and other local sources for daguerreotypes, old photographs,

political cartoons, and other memorabilia.

The goals of the Oral History Project began to be realized in 1995. By the end of the year, 16 oral histories had been completed.

Historical Society President Daniel Gribbon and Chair Judge Oberdorfer at Historical Society meeting

The Historical Society continues to be guided in its work by Daniel M. Gribbon, President, and Judge Louis F. Oberdorfer, Chair. The Oral History Project is presently being coordinated by Stephen J. Pollak.

Naturalization Ceremonies

Over 2,700 new United States citizens were honored in 1994 and 1995 in naturalization ceremonies sponsored by the District Court, along with the Daughters of the American Revolution and the Women's Bar Association. With a District Court judge presiding over each ceremony, a number of distinguished speakers addressed the new citizens, including Congresswoman Eleanor Holmes Norton, Chief Judge Annice M. Wagner and Judge Vanessa Ruiz of the D.C. Court of Appeals, Chief Judge Eugene N. Hamilton of the D.C. Superior Court, U.S. Attorney Eric H. Holder, Jr., Securities and Exchange Commission Director William McLucas, news correspondents Eric Engberg and Ron Talley, and Headmistress of the National Cathedral School Mother Agnes Underwood.

Black History Month

In 1994, the District Court's Black History Month Planning Committee sponsored three special

events to celebrate Black History Month. Frances L. Murphy II, publisher of the *Washington Afro-American Newspaper*, and Judge Reggie B. Walton of the D.C. Superior Court spoke to Courthouse staff. And in a return engagement, the First Baptist Church Choir performed a number of classical anthems, spirituals, and traditional and contemporary gospel arrangements.

Speakers in 1995 included Dr. Broadus Nathaniel Butler, a Tuskegee airman; Amelia Platts Boynton Robinson, a civil rights heroine; Velator, a poet and storyteller; and U.S. Attorney Eric H. Holder, Jr.

Judge Edwards bids farewell to Judge Mikva

The unveiling of a portrait of District Judge George H. Revercomb took place in May 1994 in the Ceremonial Courtroom. Judge Revercomb had served on the District Court from December 1985 until his untimely death in 1993.

Traditional African dolls, made by Dorothy Jones-Patterson, were donated as prizes for the Black History Month Trivia Contest – 1995

Special Events

Tayloe House provided an elegant setting for a dinner honoring Chief Judge Abner J. Mikva at his retirement in September 1994. Chief Judge Mikva was presented with an album of photo-graphs, notes, and other mementos of his days in the D.C. Circuit.

Unveiling of Judge Revercomb's portrait

Appellate judges honored and thanked Court of Appeals Advisory Committee members and mediators for their work in support of the Court at a reception in the Archivist's Reception Room at the National Archives in October 1994. Over 50 "honorees" were feted by the judges and Court of Appeals managers.

Jury Service Appreciation Month calls public attention to the important work that jurors perform. In both 1994 and 1995, the District Court joined with the Council for Court Excellence and other courts in the Washington, D.C. region to recognize citizens serving as jurors. District Court jurors were specially recognized by judges and court staff, and posters highlighting the importance of jury service were on display throughout the city.

Children's Day, an opportunity for the children of District Court staff to see where their parents go every day, has become an annual event. Highlights of Children's Days in 1994 and 1995 were an Easter parade led by the Easter Bunny and Big Bird, an Easter egg hunt, a visit to the National Gallery of Art, tours of the Courthouse and the U.S. Marshal's Command Center, crafts, and games. Children also welcomed the opportunity to talk with District Court judges and Magistrate Judge Kay.

Children's Day parade – 1994

In another annual event – Take Our Daughters to Work Day – the District Court joined in the public education campaign to draw attention to the ideas and concerns of young women – the women who will be joining the workforce in the 21st century. In 1994, 22 young women met with judges, attorneys from the offices of the United States Attorney and the Federal Public Defender, a Probation Officer, and a Deputy U.S. Marshal, and joined Magistrate Judge Deborah A. Robinson for lunch. In 1995, 12 young women were welcomed by Chief Judge Penn and attended a criminal trial,

participated in a presentation skills workshop, toured the Courthouse, and lunched with Judge Norma H. Johnson.

Judge Johnson welcomes young women to the Courthouse on Take Our Daughters to Work Day – 1995

And finally, the Circuit held its traditional annual Holiday Parties in December 1994 and 1995. Attended by more than 200 Courthouse employees and their guests each year, the parties featured dinner and dancing amid festive holiday decorations and brought together much of the Courthouse community.

Courthouse Holiday Party – 1995

Improving the Quality of Courthouse Life

The new manager of the Courthouse Cafe, Ahmad Amin, who arrived in January 1995, has found new and innovative ways to improve food service in the Courthouse. Menus offer healthier foods, like fish and pasta dishes, low fat or “lite” dressings, and an expanded salad bar. And planning was completed in late 1995 for “show-time cooking”: a weekly cooked-to-order specialty bar featuring regional cuisine.

Ahmad Amin
Manager
Courthouse Cafe

Two courthouse-wide electronic bulletin boards are keeping employees informed of job opportunities and Courthouse events. The “Job Vacancies” bulletin board lists all job openings in the Circuit while the “Court News” board includes notices of public interest such as Health Unit updates.

Several major space projects were completed in 1994 and 1995. All public elevators were renovated, and a key card system was installed on the judges’ elevators to better control access. GSA replaced deteriorating sound abatement materials in some courtrooms and overhauled courtroom air handling units to improve temperature control. New signs which include Braille text were installed outside all of the public restrooms in the Courthouse, and baby changing stations were installed in men’s and women’s restrooms outside the cafeteria. Finally, the renovation of the Courthouse gym got underway in December 1995. This project will provide Courthouse exercise enthusiasts with a new aerobics room and separate locker rooms for men and women.

New baby changing station

D.C. Circuit Participation in National Judicial Activities

U.S. Judicial Conference Activities

By statute, the chief policymaking body for the federal judiciary on the national level is the U.S. Judicial Conference (28 U.S.C. § 331). The Conference, originally known as the Conference of Senior Judges, was established in 1922. Since that time, the Conference has undergone substantial modification in composition and responsibility. Originally, only the chief judge of each circuit participated in the Conference; now all circuit chief judges and a district court judge from each circuit participate. The Conference, which convenes in the spring and fall of each year, is chaired by the Chief Justice of the United States. At the March 15, 1994, session of the Conference, the D.C. Circuit was represented by Chief Judge Abner J. Mikva and Chief Judge John Garrett Penn. At the September 20, 1994, session and at both Conference sessions in 1995, the D.C. Circuit's representatives were Chief Judge Harry T. Edwards and Chief Judge John Garrett Penn.

The Conference oversees all major aspects of national judicial administration. This broad mandate includes responsibility for formulating policy, establishing national standards, developing the federal judiciary's budget for presentation to Congress, evaluating judicial performance, and recommending and commenting on legislation that affects judicial operations.

In 1994, the Conference:

- Implemented a staffing equalization plan to address uneven staffing levels in clerks', probation, and pretrial services offices. A buyout plan was also approved for offices exceeding their staffing equalization limits.

- Adopted a Cost Control Monitoring System (CCMS) for allotting personnel compensation funds to court support offices under budget

decentralization.

- Endorsed a series of modifications to the "Illustrative Rules Governing Complaints of Judicial Misconduct and Disability" in response to recommendations from the National Commission on Judicial Discipline and Removal.

- Approved revisions to the gift regulations and outside employment regulations of the Ethics Reform Act.

- Endorsed the use of realtime reporting technologies by court reporters in the district courts. Implementation issues were referred to the Committee on Judicial Resources and the Committee on Automation and Technology.

- Approved changes to the *United States Courts Design Guide* to permit reduced lighting and acoustical standards in some courthouse areas, encourage the use of existing court facilities where possible, and change library space standards. The changes also more specifically define the aesthetic design of federal courthouses to ensure compliance with *Design Guide* standards.

- Declined to approve a recommendation to expand camera coverage of civil proceedings in federal trial and appellate courts. However, at its March 1995 session, the Conference adopted a clarifying resolution which provided that pilot programs or other studies necessary for making further recommendations that differ from those disapproved by the Conference could be proposed.

In 1995, the Conference:

- Approved a new Consolidated Code of Conduct for judiciary employees and adopted a new Code of Conduct for Federal Public Defender staff.

- Adopted a process for prioritizing courthouse construction and alteration projects requiring congressional authorization. The process involves the circuit judicial councils and the U.S. Judicial Conference and its Committee on Security, Space and Facilities.

- Adopted a policy calling for all federal courts to provide reasonable accommodations to persons with communications disabilities, and to provide, at judiciary expense, sign language interpreters or other appropriate auxiliary aids to deaf and hearing-impaired participants in federal court proceedings.

- Adopted a resolution and amendments to the Judiciary's Long Range Plan recognizing the invaluable services provided by senior judges, and providing for periodic review of the policies and procedures that affect senior judges. The Long Range Plan was also modified to address the problem of frequent, prolonged judicial vacancies, encouraging the Executive Branch and the Senate to fill vacancies promptly and providing for procedures and policies to mitigate the impact of vacancies on the ability of the courts to conduct judicial business.

- Approved the following resolution: "Invidious discrimination has no place in the federal judiciary. The circuit judicial councils are encouraged to study whether bias exists in the federal courts, based on gender, race or other invidious discrimination, and whether additional education programs are necessary."

- Adopted a model policy regarding federal

judges who are indicted, charged, arrested or informed that they are the target of a federal or state criminal investigation.

- Modified the fees charged for public access to electronic court data and provided that courts may, for good cause, exempt certain persons or classes of persons from such fees in order to avoid unreasonable burdens and to promote public access to information.

- Approved recommendations set forth in a Report on Death Penalty Representation, including recommendations calling for continued funding of Post-Conviction Defender Organizations (PCDOs) to support certain defined activities and modifying some PCDO procedures. This action was later negated by Congress which eliminated funding for all PCDOs effective April 1, 1996.

- Approved a recommendation that Congress and the Executive Branch be encouraged to work with the states to develop a policy for determining whether offenses should be prosecuted in the federal or state systems.

- Modified the Long Range Plan to encourage appellate courts to consider the use of non-judicial staff and adjunct judicial officers to handle certain routine matters that do not involve appellate review functions reserved to Article III judges.

Most of the work of the Conference is carried out throughout the year by an extensive network of standing and special committees. Federal judges from across the nation serve as members of the committees, and the Administrative Office and the Federal Judicial Center provide staff support. The Chief Justice makes committee appointments for three-year terms. Generally, judges do not serve more than two consecutive terms on any one committee.

As in the past, the D.C. Circuit continued to be well-represented on Conference committees. The following is a list of D.C. Circuit judges who were serving on Conference committees at the close of 1995:

Circuit Judge **Laurence H. Silberman**
Committee on Court Administration and Case Management

Circuit Judge **Stephen F. Williams**
Advisory Committee on Appellate Rules

Circuit Judge **Douglas H. Ginsburg**
Committee on Judicial Resources

Circuit Judge **A. Raymond Randolph, Chair**
Committee on the Codes of Conduct

District Judge **Stanley S. Harris, Chair**
Committee on Intercircuit Assignments

District Judge **Royce C. Lamberth**
Committee on Automation and Technology

District Judge **Joyce Hens Green**
Committee on the Judicial Branch

Magistrate Judge **Patrick J. Attridge**
Committee on Security, Space and Facilities

**D.C. Circuit
Organization and
Administration**

U.S. Courthouse, Washington, D.C.

Photograph by Joseph Bailey

The District of Columbia Circuit

The District of Columbia Circuit is composed of three courts: the United States Court of Appeals for the District of Columbia Circuit, the United States District Court for the District of Columbia, and the United States Bankruptcy Court for the District of Columbia. While most federal circuits encompass courts located in several different states, the District of Columbia Circuit is unique in that all Courts of the Circuit are centrally located in one building. The United States Courthouse in Washington, D.C. houses the judicial officers and staff of all three Courts, including the Clerks' Offices, Probation Office, Circuit Library, and Circuit Executive's Office. Security services at the Courthouse are provided by the U.S. Marshals Service, which is also located in the building.

At the close of 1995, there was one vacancy on the Court of Appeals bench and two vacancies on the District Court. The Court of Appeals vacancy occurred when Chief Judge Abner J. Mikva resigned in September 1994 to accept an appointment as Counsel to the President. The

vacancies on the District Court occurred when Judge Harold H. Greene took senior status in August 1995, and Judge Joyce Hens Green took senior status in July 1995.

The Circuit suffered the loss of two senior judges in 1995 – Circuit Judge George E. MacKinnon died in May, and District Judge John H. Pratt died in August.

Although the individual Courts of the Circuit operate independently, they are interdependent in many respects. In addition to sharing many common concerns and needs, the Courts also share responsibility for a variety of administrative duties. Several entities help the Courts address these Circuit-wide issues: the Circuit Judicial Council, the Circuit Judicial Conference, the Office of the Circuit Executive, and the Circuit Library.

District of Columbia Circuit Judicial Council

The primary function of the Circuit Judicial Council is to improve the administration of justice within the circuit by acting on issues that affect the internal operations of the entire circuit. The Council is empowered by statute to "...make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit" (28 U.S.C. § 332 (d)(1)). Within this broad grant of supervisory power, the Council has two important mandates: formulation of circuit policy and implementation of policy directives received from the United States Judicial Conference and, in some instances, the Congress.

The law provides that councils must consist of the Chief Judge of the Court of Appeals and an equal number of circuit and district court judges. The judges of the circuit in regular active service vote to determine the size of the council, and councils are free to develop their own procedures and practices with respect to the selection of Council members. The Chief Judge of the Circuit serves as the presiding officer of the Council.

The D.C. Circuit's Judicial Council consists of 13 members and meets at least twice each year. Special meetings are held when necessary. Current members are:

Chief Circuit Judge Harry T. Edwards

Circuit Judge Patricia M. Wald

Circuit Judge James L. Buckley

Circuit Judge Douglas H. Ginsburg

Circuit Judge A. Raymond Randolph

Circuit Judge Judith W. Rogers

Circuit Judge David S. Tatel

Chief District Judge John Garrett Penn

District Judge Norma Holloway Johnson

District Judge Thomas Penfield Jackson

District Judge Stanley Sporkin

District Judge Royce Lamberth

District Judge Gladys Kessler

In 1994, Chief Judge Edwards appointed a Committee to Review Revisions to the District Court Rules, chaired by Judge Silberman. The rules and rule changes had been promulgated by the District Court beginning in 1991. At the Committee's recommendation, the Judicial Council approved the revisions in December 1994.

The Council's working group on long-term space needs, comprised of Chief Judge Edwards, Judge Wald, Chief Judge Penn, Judge Lamberth, Linda Ferren, Nancy Mayer-Whittington, Marilyn Sargent, LeeAnn Flynn Hall, and Jerry Misko, worked hard in 1994 and 1995 developing plans and pursuing funding for a Courthouse Annex which will address the space and security needs of the courts. The construction project would provide additional courtrooms, chambers, and other needed office space, as well as security and safety enhancements in the existing Courthouse.

Recognizing the invaluable judicial resource that senior circuit and district court judges provide, the Council stated its policy in March 1995 that senior judges be treated with the respect and consideration befitting their experience and dedication to the law and public service. The Council adopted guidelines for senior district judge certification for support staff that were recommended by a special committee composed of Judge Wald, Chair, and Judges Buckley and Hogan. The recommendations were developed with the assistance of Judges Greene, Oberdorfer, Flannery, and Pratt.

The Circuit's Task Force on Gender, Race and Ethnic Bias, created by the Council in 1990, concluded its work in 1995. In March of 1995, the Council adopted four "action" items recommended by the Special Committees to the Task Force, and seven "referral" items, referred by the Council to the courts, their Chief Judges, or unit managers. The final report of the Task Force was issued in December 1995.

In September 1995, the Council voted to make the Courthouse essentially a “smoke-free” building effective January 2, 1996. Smoking has been prohibited in all areas of the Courthouse except judges’ chambers.

The Council continued its role in shaping the Circuit’s Judicial Conference. As a cost-cutting measure, the Council decided not to hold a Judicial Conference in 1995. Further, the Council decided to hold biennial Judicial Conferences through the year 2000. Finally, the Council conducted its regular review of such matters as program and budget for the 1996 Conference.

The Council also fulfilled other statutory and governance duties such as reviewing reports identifying all CJA vouchers pending more than 90 days and reviewing docket status and other case management issues.

District of Columbia Circuit Judicial Conference

For the first time in history, Baltimore was the site of a D.C. Circuit Judicial Conference. In 1994, judges and managers of the D.C. Circuit and members of the local legal community met at the Stouffer Harborplace Hotel from June 8 through 10.

One of the highlights of the Conference was a discussion among three Supreme Court Justices – former members of the D.C. Circuit – with questions posed by Chief Justice William H. Rehnquist and Chief Judge Abner J. Mikva. Entitled “Then and Now: From the Court of Appeals to the Supreme Court,” Justices Antonin Scalia, Clarence Thomas, and Ruth Bader Ginsburg reflected on the differences they have encountered on the two courts. They also shared some insights into the Supreme Court’s decision-making processes.

The Honorable Janet Reno, Attorney General of the United States, addressed the Conference, discussing judicial vacancies, federalization of crime, the anti-violence initiative of the Department of Justice, ethical standards, and civility.

The Conference also included a discussion of gender, race, and ethnicity issues in the D.C. Circuit, introduced by Judge Joyce Hens Green, Chair of the D.C. Circuit Task Force on Gender, Race, and Ethnic Bias. A panel, moderated by Katherine L. Garrett, Executive Director of the Task Force, included Anita K. Blair, Barbara K. Bracher, Rhonda C. Fields, Professor Vicki C. Jackson, Professor Susan Deller Ross, Judge Vanessa Ruiz, and Joseph M. Sellers.

Another panel, “Reflections on the Future of Criminal Justice in the United States,” was moderated by Professor Kim Taylor-Thompson. Speakers included the Honorable Eric H. Holder, Jr., and Professors Elliott Currie, John J. DiIulio, Jr., and Mark H. Moore.

L. Ralph Mecham presented the Director’s Award for Outstanding Leadership to Nancy Mayer-Whittington, Clerk of the District Court. This prestigious award is given to managers for sustained long-term leadership contributing to the improved efficiency and administration of the federal courts.

Circuit Judge Harry T. Edwards chaired the

Arrangements Committee for the Conference. Serving with him were Circuit Judge James L. Buckley; District Judges Harold H. Greene, Joyce Hens Green, and Royce C. Lamberth; Professor Susan Bloch; Linda K. Davis; David W. DeBruin; Pauline A. Schneider; and Wesley S. Williams, Jr. Linda Ferren served as Secretary to the Conference, and Chief Judge Abner J. Mikva and Chief Judge John Garrett Penn served as *ex officio* members of the Arrangements Committee.

Attorney General Janet Reno

Baltimore Mayor Kurt L. Schmoke

Justice Thomas and Chief Judge Mikva

Chief Justice Rehnquist, Justice Scalia, and Justice Ginsburg

Professor Vicki Jackson and Judge Vanessa Ruiz

Professor Mark Moore and U.S. Attorney Eric Holder

**AO Director Leonidas Ralph Mecham
and Nancy Mayer-Whittington**

**Conference staff (clockwise from left)
Maureen Grant, Mike Castillo, Jean
Senerius, Ruth Fellingham, and Pam
Hunter**

95, 96, 94 – Neck and neck!

Office of the Circuit Executive

Linda Ferren
Circuit Executive

The Office of the Circuit Executive was established in 1971 to provide management assistance to all courts of the Circuit. The primary function of the Circuit Executive's Office is to facilitate the administrative operations of the Circuit. The

Circuit Executive performs three separate but related functions.

As the Secretary to the Circuit Judicial Council, the Circuit Executive serves as the executive officer of the Council, providing such administrative services as implementing policies, developing programs, organizing and staffing Council committees, and performing other duties mandated by Congress or the U.S. Judicial Conference.

The Circuit Executive also serves as the administrative and management assistant to the Chief Judge of the Circuit. In this role, the Circuit Executive acts as the principal administrative officer of the Circuit, performing a wide range of nonjudicial duties such as the development and administration of alternative dispute resolution programs, space and facilities management, automation planning and development, financial planning and oversight, and inter-office coordination. In addition, the Circuit Executive serves as the Chief Judge's representative and the Circuit's liaison to many committees and to agencies and organizations that are involved in Circuit activities such as the Historical Society of the District of Columbia Circuit.

Finally, the Circuit Executive is a chief staff officer of the Court of Appeals, responsible for coordinating such nonjudicial aspects of Court of Appeals operations as budget development, planning, and oversight; supervision of automation support activities; space planning; and the coordination of special events.

Judges' Library

Nancy Padgett
Circuit Librarian

The Judges' Library is the Circuit's primary law library. In addition to maintaining the Library's extensive collection, the six staff members assist the Circuit's judicial officers and staff by serving as consultants for chambers book collections, performing research services, and acting as guides to the latest publications in law, social science, and current events. Located on the third and fifth floors of the Courthouse, the Library is

under the direction of an inter-Circuit committee chaired by Circuit Judge Douglas H. Ginsburg. The Library is also open to members of the bar.

The Library's collection includes more than 150,000 books, over 300 periodicals, and many large sets in microform such as Supreme Court briefs, congressional hearings, and both the *New York Times* and the *Washington Post*. Numerous books and other reference materials are also available on CD-ROM.

Because of its 42-year policy of maintaining a complete collection of congressional documents, the Library serves as a primary congressional source for the eleven other federal circuit libraries as well as many Executive Branch agencies and private law firm libraries throughout the Washington metropolitan area.

**United States
Court of Appeals**

Report of Chief Judge Harry T. Edwards

A great deal has occurred in the Court of Appeals since June 1994, when then-Chief Judge Abner J. Mikva reported to the Judicial Conference. In September 1994, Judge Mikva resigned from the appellate bench, after serving on the Court for fifteen years, three as its Chief. In September 1994, Judge Judith W. Rogers commenced her first full Term on the Court. In October 1994, Judge David S. Tatel was sworn in as the 52nd Circuit Judge to sit on the Court of Appeals. In May 1995, with the passing of Judge George E. MacKinnon, the judges of the Court lost a beloved colleague who had served the Court for 26 years.

Over the past year, the Court has been served by eleven active judges (Chief Judge Edwards, Judge Wald, Judge Silberman, Judge Buckley, Judge Williams, Judge Ginsburg, Judge Sentelle, Judge Henderson, Judge Randolph, Judge Rogers, and Judge Tatel), no sitting Senior judges, seven extraordinarily talented and dedicated principal managers (Linda Ferren, Circuit Executive; Mark Langer, Clerk; Nancy Padgett, Circuit Librarian; Jill Sayenga, Deputy Circuit Executive; Martha Tomich, Director of the Legal Division; Marilyn Sargent, Chief Deputy Clerk; and Theresa Santella, Deputy Circuit Librarian), and an outstanding staff of legal secretaries, case processors, administrators, staff attorneys, director and administrators of the mediation program, automation technicians, procurement specialists, and law clerks.

In reflecting on my first 20 months as Chief Judge, I realize that I have been very lucky to have been associated with such a sterling group of colleagues, managers, and staff on the Court of Appeals, all of whom have worked so hard with me to implement initiatives that have changed the way the Court of Appeals operates. Our efforts have strengthened our operations: with two major reorganizations fully implemented, we have greatly increased the efficiency of the Clerk's Office, and we have revolutionized the automation of our work.

In January 1995, a "Public Forum" was held with members of the Bar to assess the operation of the Clerk's Office. After reviewing survey results and considering comments from attorneys practicing before the Court, and then studying every detail of the operation, a number of major changes were made in the Clerk's Office. Mark Langer, formerly the Chief Staff Counsel, was promoted to run the operation. The Staff Attorneys' Office was renamed the "Legal Division" and made a part of the Clerk's Office. The Director of the Legal Division, Martha Tomich (who was formerly the Deputy Chief Staff Counsel), is now one of two Chief Deputy Clerks. This reorganization has eliminated the duplication of functions by case processors and staff attorneys. It has also facilitated the assignment of staff attorneys to screen case filings as soon as they are received, to ensure that matters requiring prompt or special handling receive the attention that is due. The screening of pleadings by staff attorneys also has expedited the processing of unopposed motions. With the elimination of duplicative functions, unit managers have been able to realign staff assignments to make better use of personnel.

The reorganization, coupled with the establishment of new training initiatives, the institution of a new brief-filing system, the adoption of new automated systems for case processing, and the institution of improved quality control procedures, has ameliorated many of the problems that have plagued the Clerk's Office in years past. One of the most notable achievements of the Clerk's Office has been in the handling of criminal appeals: as of December 31, 1994, there were 203 lead criminal cases pending in the Court of Appeals, with an average age of 442 days; by December 31, 1995, the number of pending cases had dropped to 169, and the average age of pending cases had been cut to 344 days. This past Fall, the Court acted to decouple direct criminal appeals from post-conviction proceedings, thus ensuring further expedition in the disposition of criminal cases. The judges also agreed to increase their sittings to hear additional criminal appeals at the end of each Term, in an effort to reduce the average age of pending appeals even more.

Another major change in the Court's operation came with the creation of an Automation Unit. Prior to the Fall of 1994, automation technicians had been assigned to different units within the Court, with no coherent plan governing their work. Following the integration of all automation staff and resources in the Circuit Executive's

Office, under a unified plan of operation, the Court's automation operations took off. Every judge and staff member of the Court was given new or better automation hardware (including faster personal computers, printers, and fax machines). The entire court operation is networked, so that communications between chambers and staff offices is easy. Judges now vote electronically through a special program ("TeamTalk") that has been customized by the Automation Team, eliminating reams of paper that used to circulate between the Clerk's Office and chambers. (TeamTalk is used to process more than 1,000 matters per Term -- ranging from motions for extensions of time, to requests for costs, to petitions for rehearing, etc.) Monthly and yearly statistics are generated by another computerized program ("PACRATS") developed by the Automation staff, a program which is also used by chambers to report on the status of cases and as an internal case-tracking system. Certain operating systems and software programs -- such as Windows, WordPerfect 6.1, cc:Mail, Calendar Creator, TeamTalk, PACRATS, Westlaw -- have been made standard, and all personnel have been fully trained in their use. The Court has instant access to dockets, calendars, and other critical information. At the same time, the Library has greatly expanded the Circuit's collection of CD-ROMs and opened a scanning work station so that printed documents can be instantaneously scanned and changed into WordPerfect format.

We have found these new automation initiatives to be immensely useful in expediting our work procedures, creating new and faster forms of communication, facilitating legal research, and saving money on processes that previously had to be given to outside contractors. For example, the Court is using a new and modern Print Center developed by staff to allow in-house design and development of state-of-the-art publications, including a monthly newsletter. The Automation Team's depot maintenance program enables staff to replace defective parts in malfunctioning equipment immediately so that work can proceed as repairs are actually being made by Court staff. A new automated Help Desk ensures that users' requests are addressed quickly and by the appropriate staff person. Judges who are out of the office are able to communicate with colleagues through the network's remote access programs. And a new "contacts" program, to provide judges and staff with universal mail, e-mail, fax, and Internet address lists, has been developed.

Automation advances also have improved communications with the Bar and the public. A public access bulletin board service (ABBS) provides easy access to docket information, opinions, calendars, and Court rules. Most importantly, throughout the development of these automation programs, special care has been taken to ensure the security of court operations: with the assistance of the National Security Agency, the Court has developed a comprehensive Security Plan to regulate all details of automation.

During the past two years, faced with continued courtroom, chambers, and other space shortfalls, both the District Court and the Court of Appeals have intensified efforts to secure funding for the construction of an Annex for the Courthouse. Judges and staff have worked to convince officials of the Judicial Conference of the United States and members of Congress of the Circuit's acute space and security needs. While the ultimate fate of the Annex remains uncertain, there were some hopeful signs at the start of 1996 suggesting that the Courts might soon receive authorization and funding for design work.

The Appellate Mediation Program continues to operate smoothly. One of the earliest court-annexed programs in the nation, it remains unique among Circuit programs, boasting a corps of committed, hard working, effective mediators who provide volunteer service year after year. Many of the mediators, like Chair John H. Pickering, have served the Court in this capacity since the inception of the Program in 1987. And, even as the Program has taken on increasingly complex cases that require more and more mediator time, the attorneys remain actively involved, rarely turning down a request to take a case. The Court is most

grateful for the work of the mediators, both in helping to improve our case processing and in setting a national standard of quality for alternative dispute resolution at the appellate stage.

Thanks are also due to the attorneys who serve on the Court's various advisory committees. My colleagues and I benefit greatly from the work of the advisory committees, and we appreciate the time, skill, and commitment

given by those who serve in the Court's behalf.

In 1995, the work of the Circuit Task Force on Gender, Race and Ethnic Bias came to an end after five years of inquiry, analysis, and debate. The Circuit Judicial Council reviewed recommendations from the Task Force Committees, and then adopted a specific plan of action in March 1995. Subsequently, in December 1995, a two-volume publication was issued; this publication includes a summary description of the Task Force project, an outline of the Council's actions, the Committee Reports in full, the views of dissenting judges, and the responses of the judges who served on the Task Force. The project was an immense and complex undertaking, involving numerous judges and over one hundred attorneys who donated their time.

Special thanks are due to the Task Force Chairperson, Judge Joyce Hens Green, and to Judge Wald, Chief Judge Penn, Judge Richey, and Judge Friedman for their hard work as Task Force members. Thanks also must be extended to the Special Committee Chairs, Professor Vicki C. Jackson, Professor Susan Deller Ross, Susan M. Liss, Todd Peterson, Judge Vanessa Ruiz, Joseph M. Sellers, and James E. Coleman, Jr., and their many contributing Committee members, for the exemplary volunteer service they provided, and for their commitment and dedication in seeing the project through to completion (even in the heat of great controversy). Thanks, too, to Katia Garrett, the first Task Force Director, who lent talent, dedication, and grace to the Task Force effort, and to Virginia Sloan, who succeeded Ms. Garrett and assisted in concluding the project.

Among the most gratifying results of the Task Force project are the implicit findings that there are few serious problems of gender, race, or ethnic bias in the Courthouse, and that any problems that do exist are being addressed. A number of the actions that were approved by the Circuit Judicial Council in March 1995 have been implemented, and there are ongoing efforts by judges and managers to ensure that the good ideals underlying the Task Force project remain a way of life in the Courthouse.

Recently, during the Court's first "Employee Recognition Day," I had occasion to address the staff and managers of the Court of Appeals. During that occasion, I thanked them, on behalf of myself and my colleagues, for their extraordinary work in conjunction with our labors to serve the public. The efforts of our managers and staff have become all the more notable in recent months as we have faced staff cutbacks and budget reductions, sorely limiting our ability to address the needs of the attorneys and members of the public who come before the Court. But these limitations have not deterred our managers or staff -- they have met every challenge that I have posed, and the public is the better for it. Our Court is truly well-served, and so in closing I think it only fitting to pay tribute to our brilliant managers and staff, who work tirelessly to ensure that Justice can be done by the members of our Court.

Harry T. Edwards
Chief Judge
United States Court of Appeals

May 1996

United States Court of Appeals for the District of Columbia Circuit

HARRY T. EDWARDS

Chief Judge Edwards was appointed to the U.S. Court of Appeals in February 1980 and became Chief Judge on September 15, 1994. He graduated from Cornell University in 1962 and the University of Michigan Law School in 1965. Judge Edwards practiced law in Chicago from 1965 to 1970. He was then a tenured member of the faculties at the University of Michigan Law School, where he taught from 1970 to 1975 and 1977 to 1980, and at Harvard Law School, where he taught from 1975 to 1977. He also taught at the Harvard Institute for Educational Management between 1976 and 1982. He served as a member and then Chairman of the Board of Directors of AMTRAK from 1979 to 1980, and also served as a neutral labor arbitrator under a number of major collective bargaining agreements during the 1970s. Chief Judge Edwards has co-authored four books and published scores of law review articles on labor law, higher education law, federal courts, legal education, professionalism, and judicial administration. Since joining the Court, he has taught law at Harvard, Michigan, Duke, Penn-sylvania, Georgetown, and, most recently, NYU Law School.

PATRICIA M. WALD

Judge Wald was appointed United States Circuit Judge for the District of Columbia Circuit in July 1979. She served as Chief Judge of the Court from July 1986 to January 1991. Judge Wald is a graduate of Connecticut College (B.A. 1948) and Yale Law School (LL.B. 1951). Following graduation, she served as law clerk to Judge Jerome N. Frank of the Second Circuit. Prior to her appointment to the bench, Judge Wald served as Assistant Attorney General for Legislative Affairs in the Department of Justice. She was an attorney for the Mental Health Law Project from 1972 to 1977, and the Project's Litigation Director from 1975 to 1977, as well as an attorney with Neighborhood Legal Services, the Center for Law and Social Policy in Washington, and co-chair of the Ford Foundation Drug Abuse Research Project. She is a Council Member and First Vice President of the American Law Institute, and a Fellow of the American Academy of Arts and Sciences.

LAURENCE H. SILBERMAN

Judge Silberman was appointed U.S. Circuit Judge in October 1985. He graduated from Dartmouth College in 1957 and Harvard Law School in 1961. He has been a partner in law firms in Honolulu and Washington, D.C. as well as a banker in San Francisco. He has served in government as an attorney in the NLRB's appellate section, Solicitor of the Department of Labor 1969-1970, Undersecretary of Labor 1970-1973, Deputy Attorney General of the United States 1974-1975, and Ambassador to Yugoslavia 1975-1977. From 1981 to 1985, he served as a member of the General Advisory Committee on Arms Control and Disarmament and the Department of Defense Policy Board. He was an Adjunct Professor of Administrative Law at Georgetown Law Center from 1987 to 1994 and is presently teaching at NYU Law School.

JAMES L. BUCKLEY

Judge Buckley was appointed U.S. Circuit Judge in December 1985. He graduated from Yale College, receiving a B.A. degree in 1943, and from Yale Law School, receiving an LL.B. degree in 1949. Judge Buckley was engaged in private practice from 1949 until 1958 when he became a full-time Officer and Director of The Catawba Corporation. From 1971 to 1977, he served as a United States Senator. In 1977, he was engaged in private sector activities, but reentered government service as Undersecretary for Security Assistance, U.S. State Department, in 1981. From 1982 to 1985, Judge Buckley was President of Radio Free Europe/Radio Liberty.

STEPHEN F. WILLIAMS

Judge Williams was appointed to the U.S. Court of Appeals in June 1986. He graduated from Yale College (B.A. 1958) and from Harvard Law School (J.D. 1961). Judge Williams was engaged in private practice from 1962 to 1966 and became an Assistant U.S. Attorney for the Southern District of New York in 1966. From 1969 until his appointment to the bench, Judge Williams taught at the University of Colorado School of Law. During this time, he also served as a Visiting Professor of Law at U.C.L.A., University of Chicago Law School, and Southern Methodist University and was a consultant to the Administrative Conference of the United States and the Federal Trade Commission.

DOUGLAS H. GINSBURG

Judge Ginsburg was appointed to the United States Court of Appeals in October 1986. He was graduated from Cornell University (B.S. 1970) and from the University of Chicago Law School (J.D. 1973). Following law school, he clerked for Judge Carl McGowan of the U.S. Court of Appeals for the D.C. Circuit and for U.S. Supreme Court Justice Thurgood Marshall. From 1975-1983, he was a professor at Harvard Law School. He then served as Deputy Assistant Attorney General for Regulatory Affairs, Antitrust Division, U.S. Department of Justice, 1983-1984; Administrator, Information and Regulatory Affairs, OMB, 1984-1985; and Assistant Attorney General, Antitrust Division, U.S. Department of Justice, 1985-1986.

DAVID B. SENTELLE

Judge Sentelle was appointed United States Circuit Judge in October 1987. He is a 1968 graduate of the University of North Carolina Law School. Following law school, he practiced with the firm of Ussell & Dumont until he became an Assistant U.S. Attorney in Charlotte, N.C. in 1970. From 1974-1977, he served as a North Carolina State District Judge but left the bench in 1977 to become a partner with the firm of Tucker, Hicks, Sentelle, Moon & Hodge. In 1985, Judge Sentelle joined the U.S. District Court, Western District of North Carolina, in Asheville, where he served until his appointment to the D.C. Circuit.

KAREN LECRAFT HENDERSON

Judge Henderson was appointed United States Circuit Judge in July 1990. She received her undergraduate degree from Duke University and her law degree from the University of North Carolina. Following law school, she was in private practice in Chapel Hill, North Carolina. From 1973-1983, she was with the Office of the South Carolina Attorney General, ultimately in the position of Deputy Attorney General. In 1983, she returned to private practice as a member of the firm of Sinkler, Gibbs & Simons of Charleston and Columbia, South Carolina. In June 1986, Judge Henderson was appointed United States District Judge for the District of South Carolina where she served until her appointment to the D.C. Circuit.

A. RAYMOND RANDOLPH

Judge Randolph was appointed United States Circuit Judge in July 1990. He is a graduate of Drexel University (1966) and the University of Pennsylvania Law School (*summa cum laude* 1969). After clerking for Judge Henry J. Friendly of the U.S. Court of Appeals for the Second Circuit, Judge Randolph served as an Assistant to the U.S. Solicitor General from 1970 to 1973, and from 1975 to 1977 as a Deputy Solicitor General. In 1979, Judge Randolph was Special Counsel to the Ethics Committee of the U.S. House of Representatives. He has also served as Special Assistant Attorney General for Utah, Montana, and New Mexico. Prior to his appointment to the bench, he was a partner with the firm of Pepper, Hamilton & Scheetz. Judge Randolph has taught courses in civil procedure and injunctions at Georgetown Law Center and in constitutional law at George Mason Law School. Judge Randolph is currently chairman of the Codes of Conduct Committee of the United States Judicial Conference.

JUDITH W. ROGERS

Judge Rogers was appointed to the U.S. Court of Appeals in March 1994. She is a graduate of Radcliffe College and Harvard Law School and has a Master of Laws degree from the University of Virginia Law School. She has served as an Assistant U.S. Attorney for the District of Columbia and as a trial attorney in the Criminal Division of the U.S. Department of Justice. In the Office of the U.S. Deputy Attorney General she worked on the D.C. Court Reform and Criminal Procedure Act of 1970. She was also General Counsel to the Congressional commission on the organization of the District government and thereafter Special Assistant to the Mayor for federal and District of Columbia legislation. She was appointed the Corporation Counsel for the District of Columbia in 1979. In 1983 she was appointed an Associate Judge of the D.C. Court of Appeals and served as Chief Judge from 1988 until her appointment to the U.S. Court of Appeals.

DAVID S. TATEL

Judge Tatel was appointed to the U.S. Court of Appeals in October 1994. He graduated from the University of Michigan in 1963 and the University of Chicago Law School in 1966. Following law school, he taught for a year at the University of Michigan Law School and then went into private practice as a member of the firm of Sidley & Austin in Chicago. From 1969 to 1970, he served as Director of the Chicago Lawyers' Committee for Civil Rights Under Law, then returned to Sidley & Austin until 1972, when he became Director of the National Lawyers' Committee for Civil Rights Under Law in Washington, D.C. From 1974 to 1977, he returned to private practice as associate and partner with Hogan & Hartson, where he headed the firm's Community Services Department. He also served as General Counsel for the newly created Legal Services Corporation from 1975 to 1976. In 1977, Judge Tatel became the Director of the Office for Civil Rights, U.S. Department of Health, Education and Welfare. He returned to Hogan & Hartson in 1979, where he headed the firm's education group until his appointment to the D.C. Circuit.

Senior Judge

SPOTTSWOOD W. ROBINSON III

Judge Robinson was appointed to the U.S. Court of Appeals for the District of Columbia Circuit in November 1966, serving as Chief Judge from May 1981 to July 1986. He attended Virginia Union University and received his LL.B. degree from Howard University School of Law. Judge Robinson became a faculty member of the Howard University School of Law after graduation and remained on the faculty until 1947 when he entered full-time private practice. In 1960, he became Dean of the Howard University School of Law. From 1961-1963, Judge Robinson served as a member of the U.S. Commission on Civil Rights. In 1963, he became Vice President and General Counsel of Consolidated Bank and Trust Company where he served until he was appointed to the U.S. District Court for the District of Columbia in 1964. Judge Robinson took senior status on September 1, 1989.

Office of the Clerk of the Court of Appeals

Mark Langer
Clerk of Court

The Clerk's Office, which includes the former Office of the Chief Staff Counsel, is responsible for managing the caseload of the Court, processing all case-related documents, maintaining Court records, and serving as central legal staff of the Court of Appeals. The Office serves as the Court's liaison with attorneys, litigants, and the general public. It also provides statistical, financial, personnel, property, procurement, and internal mail services to the Court. In addition, the Clerk is responsible for processing complaints of judicial misconduct or disability and for servicing the Court's Special Division for the Appointment of Independent Counsels.

After a major reorganization in 1995, the Clerk's

Office was divided into three major divisions: Administrative, Operations, and Legal. The Administrative Division is responsible for such support functions as courtroom services, personnel, records management, procurement, facility management, financial administration, and mail services. The Operations Division handles all case processing functions, the scheduling of the Court's calendar, intake, attorney admissions, and issuance of opinions. The Legal Division, formerly the Office of the Chief Staff Counsel, has three primary areas of responsibility: making recommendations and preparing dispositions in contested motions and emergency matters, screening and classifying new appeals, and making recommendations in Circuit Rule 34 (j) cases. The Legal Division also screens cases for appropriateness for inclusion in the Appellate Mediation Program, and assists with the management of complex cases under the 1986 Case Management Plan and of civil cases designated for treatment under the 1978 Civil Appeals Management Plan.

U.S. Court of Appeals Advisory Committees

The United States Court of Appeals relies on three advisory committees for assistance in carrying out certain administrative tasks and for expert advice on issues that impact attorneys who practice before the Court.

Committee on Procedures

The Advisory Committee on Procedures was established by the Judicial Council for the District of Columbia Circuit in June 1976, in response to recommendations made by the Commission on Review of the Federal Court of Appeals System, also known as the Hruska Commission. Since 1982, the Court of Appeals has been the appointing authority for the Committee. The Committee was one of the first of its kind in the nation.

In accordance with 28 U.S.C. § 2077(b), the Committee is charged with studying the rules and internal operating procedures of the Court of Appeals and making recommendations to the Court on possible improvements. The Committee is specifically authorized to design projects and to undertake studies on matters affecting the administration of justice in the Circuit, either at the request of the Court or on its own initiative. The Advisory Committee on Procedures also serves as liaison between the Court and the bar.

The Committee consists of 15 members of the bar. The Court has endeavored to appoint a balanced committee membership reflecting various interests within the bar.

The current membership of the Advisory Committee on Procedures is as follows:

Douglas N. Letter, Chair	
Thomas Abbenante	Katherine Anne Meyer
John D. Bates	John N. Nannes
George H. Cohen	William Bradford Reynolds
Vicki C. Jackson	Rebecca E. Swenson
A.J. Kramer	Christopher J. Wright
Elaine R. Lubin	Michael E. Rosman
Myles V. Lynk	Barbara S. Wahl
Judge Stephen F. Williams, Liaison	

Committee On Admissions And Grievances

The Advisory Committee on Admissions and Grievances assists the Court of Appeals with two of its most difficult administrative tasks: acting on applications for admission to the Court's bar and acting on complaints of misconduct or neglect. The Court may refer to the Committee any accusation or suggestion of misconduct or neglect by any member of the bar of the Court with respect to a professional matter. The Committee may conduct an investigation, hearing, and/or report into the matter as the Court deems advisable. In addition, the Committee investigates and recommends action on problems that arise in connection with applications for admission to the Court's bar.

Currently, the Committee's six members are:

Thomas Odom, Chair
Julia Penny Clark
Rosemary Collyer
William L. Gardner
Richard Leon
Steven M. Umin
Judge David B. Sentelle, Liaison

CJA Panel Committee

The CJA Panel Committee, established in 1991 pursuant to 18 U.S.C. § 3006(a), compiles the list of attorneys eligible to receive CJA appointments by periodically receiving and evaluating applications from interested counsel. The Committee also conducts an annual review and evaluation of the Plan and recommends any changes deemed necessary to the Court of Appeals.

The Committee consists of two active circuit judges, the federal public defender, and two private attorneys experienced in criminal law, one of whom is on the CJA appointments list.

Current members are:

Judge Judith W. Rogers, Chair
Judge David S. Tatel
Barry Coburn
A. J. Kramer
Elizabeth Taylor

U.S. Court of Appeals Workload Information

During 1995, Court of Appeals filings decreased by 4 percent. Total terminations decreased by 4 percent in 1995, and there was a slight decrease in the pending caseload at the end of the year.

	1993	1994	Change	1995	Change
Filings	1,786	1,659	-7%	1,595	-4%
Terminations	1,841	1,687	-8%	1,620	-4%
Pending	2,151	2,120	-1%	2,094	-1%

Court of Appeals Caseload Summary 1991-1995

The Court of Appeals for the D.C. Circuit continued to lead the nation in handling the largest percentage of direct reviews of administrative agency proceedings and appeals in district court civil litigation involving the actions of government officials. These cases comprised 71 percent of the Court's pending caseload in both 1994 and 1995. By comparison, the Ninth Circuit had the next highest percentage of these types of cases, which comprised only 22 percent of its 1995 pending caseload.

Direct reviews of administrative agency cases made up over half of the Court's pending caseload in both 1994 and 1995. In 1995, this represented 37 percent of all reviews of administrative agency proceedings pending in all federal circuit courts nationwide. In other circuits, such cases usually comprise no more than 6 percent of the pending caseload.

**Distribution of Pending Caseload
1994**

**Distribution of Pending Caseload
1995**

After a steady increase in the numbers of lead cases terminated from 1991 through 1993, terminations decreased slightly in both 1994 and 1995.

Cases Terminated by Type*
1991-1995

	On Merits				Procedural				Total	
	After Oral Argument		After Submission on Briefs		By Judge		By Staff			
	#	%	#	%	#	%	#	%	#	%
1991	350	31%	345	30%	100	9%	344	30%	1,139	100%
1992	384	29%	377	29%	146	11%	415	31%	1,322	100%
1993	352	23%	458	29%	234	15%	517	33%	1,561	100%
1994	378	27%	405	29%	182	13%	438	31%	1,403	100%
1995	386	29%	298	22%	177	13%	491	36%	1,352	100%

Type of Opinion or Order Terminating on the Merits*

	1994		1995	
	#	%	#	%
Published	268	34%	275	40%
Unpublished	515	66%	409	60%
Total	783	100%	684	100%

*These figures represent lead cases only.

**United States
District Court**

Report of Chief Judge John Garrett Penn

At the conclusion of my last annual report, I stated I looked forward to 1994 with great hope as the Court would receive five new judicial appointments. Indeed, 1994 did bring us five new colleagues: Judge Gladys Kessler, Judge Paul L. Friedman, Judge Ricardo M. Urbina, Judge Emmet G. Sullivan and Judge James Robertson. These Judges and their staff have been a great addition to the District Court. For the first time since January 1992, the Court was at full strength with fifteen active Judges. However, this achievement was only to last for six months. Judge Joyce Green assumed senior status on July 1, 1995; Judge Harold Greene assumed senior status on August 6, 1995 and Judge Stanley Harris assumed senior status on February 1, 1996. We congratulate our colleagues on their new status and the District Court is once again looking forward to receiving new judicial appointments.

These three new senior judges join six other senior judges: Judge Oliver Gasch, Judge William B. Bryant, Judge Aubrey E. Robinson, Jr., Judge June L. Green, Judge Thomas A. Flannery and Judge Louis F. Oberdorfer. Our senior judges are a valuable asset to this Court and to the Federal Judiciary. Absent the provision for continued service by senior judges, it would be nearly impossible for the Court to maintain a current docket.

I am sad to report we also lost one of our colleagues since my last report. Judge John H. Pratt passed away on August 11, 1995. He is greatly missed.

The fiscal realities of the past two years imposed staffing equalization efforts on the Judiciary. This resulted in the District Court Clerk's Office reducing its staff by four people, the Bankruptcy Court Clerk's Office reduced two people from their staff and the Probation Office was required to downsize by twenty-one positions. Each unit lost tremendous amounts of experience and knowledge, as well as valued employees, as a result of this measure.

One of the persons able to benefit from the Voluntary Separation Incentive Program was Chief Probation Officer Eugene Wesley, Jr. who retired on June 30, 1994. Mr. Wesley had served as Chief Probation Officer since 1986, and was the first African American to hold this position in the District of Columbia. Following a nationwide search, the Court selected Richard A. Houck, Jr. as Chief Probation Officer. Mr. Houck was formerly Deputy Chief Probation Officer in the District of Maryland and brought 20 years probation experience to the District Court. Mr. Houck joined the District Court on January 23, 1995 and has been an excellent addition to the Probation Office and the District Court management team.

A special acknowledgment is due Deputy Chief Probation Officers Lettie Matthews and Lon Kramer who capably ran the Probation Office during the seven month interim between Mr. Wesley's retirement and Mr. Houck's arrival. It was a difficult and demanding assignment, and the Court very much appreciates the ability of Ms. Matthews and Mr. Kramer to assure a smooth transition.

District Court Clerk Nancy Mayer-Whittington received the 1994 Award for Outstanding Leadership from the Director of the Administrative Office. Ms. Mayer-Whittington was honored for a long and successful history of improvements to the Clerk's Office and the Court. The award, which included a \$5,000 cash stipend, was presented to Ms. Mayer-Whittington by Mr. Leonidas Ralph Mecham, Director of the Administrative Office, at the 1994 Circuit Judicial Conference in Baltimore, Maryland. Congratulations to Ms. Mayer-Whittington on this well-deserved honor.

Following a nationwide search, the United States Bankruptcy Court for the District of Columbia also selected a new Clerk of Court during this reporting period. In December 1995, Bankruptcy Judge S. Martin Teel, Jr. selected Denise Hennessee Curtis as Clerk of the Bankruptcy Court. Prior to her selection, Ms. Curtis served as the Chief Deputy for Administration in the District Court Clerk's Office. We look forward to working with Ms. Curtis in her new capacity and are confident she will bring the same level of accomplishment and enthusiasm to her new position.

There have been some important programmatic changes in the District Court's Alternative Dispute Resolution Program. In October 1995, due to very limited use, the Early Neutral Evaluation Program was eliminated. Also, the settlement rate for cases referred to the mediation program increased from 45% in 1994 to 51% in 1995. Circuit Executive Linda Ferren, Director Nancy Stanley and Deputy Director Michael Terry are to be commended for their

continued outstanding achievements in this program.

The efforts of the Circuit Judicial Council's Task Force on Race, Gender and Ethnicity culminated in 1994 by the publication of a draft report, and in 1995 with issuance of the final report. Judge Joyce Green served as Chair of the Task Force and is to be commended for her willingness to undertake this important assignment, as well as for her vision and diplomacy to see the work of the Task Force through to a successful conclusion. The April 4, 1995 Executive Session of the District Court acknowledged Judge Green for her work on the Task Force and warmly thanked her.

The District Court Committee on Race, Gender and Ethnicity was appointed to review and implement the recommendations of the Circuit Judicial Task Force. Judge Norma Holloway Johnson is Chair of the Committee, and is assisted by Judge Ricardo Urbina and Judge James Robertson. Nancy Mayer-Whittington, Richard A. Houck, Jr., LeeAnn Flynn Hall and Val Pulley serve as ex-officio members of the Committee.

In 1995, District Court case filings decreased 17%; a 14% decrease in civil filings and a 31% decrease in criminal filings. There was a corresponding 13% decrease in the pending caseload of the Court, from 2,732 cases in 1994 to 2,374 in 1995.

Filings in the Bankruptcy Court increased 8.4% in 1994 and 7.6% in 1995. The Bankruptcy Court closed 1,535 cases in 1994 and 1,736 cases in 1995, as well as terminating 507 adversary proceedings in the two-year period.

As I reflect on the two years since my last report, it is important to note we operate on a continuum. Although variables beyond our control dictate that our organization adapt to fiscal and technological changes, we are a very collegial court supported by excellent staff and managers. We benefit tremendously from the leadership and assistance of United States Attorney Eric H. Holder, Jr., Federal Public Defender A.J. Kramer and United States Marshal Herbert M. Rutherford III. Finally, I would be remiss if I did not acknowledge the great service rendered to the Chief Judge and the Court by LeeAnn Flynn Hall, the Administrative Assistant to the Chief Judge. We all look forward to the opportunities and challenges the coming year will surely bring.

John Garrett Penn
Chief Judge
United States District Court

May 1996

United States District Court for the District of Columbia

JOHN GARRETT PENN

Chief Judge Penn was appointed U.S. District Judge for the District of Columbia in March 1979. Judge Penn became Chief Judge on March 2, 1992. He graduated from the University of Massachusetts with an A.B. degree in 1954, and received his LL.B. degree from the Boston University School of Law in 1957. He attended the Woodrow Wilson School of International & Public Affairs at Princeton University from 1967 to 1968, where he was a National Institute of Public Affairs Fellow, and later attended the National Judicial College, University of Nevada. He served in the United States Army, Judge Advocate General's Corps, 1958-1961. Judge Penn served as a Trial Attorney, Reviewer, and Assistant Chief of the General Litigation Section, Tax Division, Department of Justice, 1961-1970, and as an Associate Judge of the Superior Court of the District of Columbia, 1970-1979.

CHARLES R. RICHEY

Judge Richey was appointed to the U.S. District Court in May 1971. He is a graduate of Ohio Wesleyan University (B.A. 1945) and the Case Western University School of Law (LL.B. 1948). Following graduation, he was Legislative Counsel to Frances P. Bolton, M.C. Prior to his appointment to the bench, Judge Richey engaged in private law practice for 22 years. He served on the Montgomery County Board of Appeals (1965-67; Chairman 1966-67), as General Counsel to the Maryland Public Service Commission (1967-71), and as Vice-Chairman of the Montgomery County Charter Revision Commission (1967-68). Judge Richey is a founding member of the Supreme Court Historical Society, the Edward Bennett Williams American Inn of Court (1989-94) and the Charlotte E. Ray American Inn of Court (1994-present), as well as the author of the "Manual on Employment Discrimination and Civil Rights Actions," and "Prisoner Litigation in the United States Courts." He was an Adjunct Professor at Georgetown University Law Center for 19 years, and he continues to teach at ALI-ABA and FJC seminars throughout the nation.

NORMA HOLLOWAY JOHNSON

Judge Johnson was appointed to the U.S. District Court in May 1980. She received her J.D. degree in 1962 from Georgetown University Law Center and her B.S. degree in 1955 from the University of the District of Columbia. Judge Johnson served as a trial attorney in the Civil Division, U.S. Department of Justice, from 1963 to 1967, and as an Assistant Corporation Counsel for the District of Columbia from 1967 to 1970. In October 1970, she was appointed an Associate Judge of the Superior Court of the District of Columbia, where she served until her appointment to the federal bench.

THOMAS PENFIELD JACKSON

Judge Jackson was appointed United States District Judge for the District of Columbia in June 1982. He graduated from Dartmouth College (1958) and Harvard Law School (1964). Between college and law school, he served as an officer in the U.S. Navy. Prior to his appointment to the federal bench, Judge Jackson practiced law for eighteen years, primarily as a civil litigator. At the time of his appointment to the Court, Judge Jackson was serving as President of the Bar Association of the District of Columbia.

THOMAS F. HOGAN

Judge Hogan was appointed to the U.S. District Court in August 1982. He graduated from the Georgetown University College of Arts and Sciences, receiving an A.B. (classical) degree in 1960. He attended George Washington University's masters program in American and English literature from 1960 to 1962, and he graduated from the Georgetown University Law Center in 1966, where he was the St. Thomas More Fellow. Following law school, Judge Hogan clerked for Judge William B. Jones of the U.S. District Court for the District of Columbia, 1966-1967. He served as counsel to the National Commission for the Reform of Federal Criminal Laws, 1967-1968, and was engaged in private practice from 1968-1982. He has been an adjunct professor of law at the Georgetown University Law Center and a Master of the Prettyman-Leventhal Inn of Court. He is a member of the Executive Committee of the District Court, chair of the Rules Committee, and Magistrate/Judge Liaison Judge.

STANLEY S. HARRIS

Judge Harris was appointed United States District Judge for the District of Columbia in November 1983. He attended the Virginia Polytechnic Institute in 1945 and graduated from the University of Virginia with a B.S. in 1951 and an LL.B. in 1953. He served in the United States Army from 1945 to 1947. Judge Harris served as an associate and partner at Hogan & Hartson from 1953-1970. He was appointed to the D.C. Superior Court in 1971 and served until 1972 when he was appointed to the District of Columbia Court of Appeals. Judge Harris left the Court in 1982 to become United States Attorney for the District of Columbia, where he served until his appointment to the Article III bench in 1983.

STANLEY SPORKIN

Judge Sporkin was appointed to the U.S. District Court in December 1985. He received his B.A. degree in 1953 from Pennsylvania State University and graduated from Yale Law School in 1957. He is also a Certified Public Accountant. Judge Sporkin clerked for three years for a federal District Judge in Delaware, and then entered private practice. In 1961, he joined the Securities and Exchange Commission and practiced with the

Commission for 20 years, serving as Chief of the Enforcement Division for seven years. From 1981 to 1985, he served as General Counsel of the Central Intelligence Agency.

ROYCE C. LAMBERTH

Judge Lamberth received his appointment to the United States District Court for the District of Columbia in November 1987. He was appointed Presiding Judge of the U.S. Foreign Intelligence Surveillance Court in May 1995 by Chief Justice Rehnquist. Judge Lamberth graduated from the University of Texas (B.A.) and from the University of Texas School of Law, receiving an LL.B. degree in 1967. He served as a Captain in the Judge Advocate General's Corps of the United States Army from 1968 to 1974, including one year in Vietnam. After that, he became an Assistant United States Attorney for the District of Columbia. In 1978, Judge Lamberth became Chief of the Civil Division of the U.S. Attorney's Office, a position he held until his appointment to the federal bench.

GLADYS KESSLER

Judge Kessler was appointed to the United States District Court for the District of Columbia in July 1994. She received a B.A. from Cornell University and an LL.B. from Harvard Law School. Following graduation, Judge Kessler was employed by the National Labor Relations Board and served as Legislative Assistant to a U.S. Senator and a U.S. Congressman. Thereafter she worked for the New York City Board of Education, and returned to Washington, D.C. to open a public interest law firm. In June 1977, she was appointed an Associate Judge of the Superior Court of the District of Columbia. From 1981 to 1985, Judge Kessler served as Presiding Judge of the Family Division, and was a major architect of one of the nation's first Multi-Door Courthouses. She served as President of the National Association of Women Judges in 1983-1984, and is now on the Executive Committee of the ABA's Conference of Federal Trial Judges.

PAUL L. FRIEDMAN

Judge Friedman was appointed United States District Judge in August 1994. He graduated from Cornell University in 1965 and received a J.D. from the School of Law of the State University of New York at Buffalo in 1968. Following law school, Judge Friedman clerked for Judge Aubrey E. Robinson, Jr., of the U.S. District Court for the District of Columbia and for Judge Roger Robb of the U.S. Court of Appeals for the District of Columbia Circuit. He served as an Assistant United States Attorney for the District of Columbia from 1970 to 1974, and as an Assistant to the Solicitor General of the United States from 1974 to 1976. Judge Friedman practiced law as an associate and partner with White & Case from 1976 until 1994, serving as President of the District of Columbia Bar from 1986 to 1987, and as Associate Independent Counsel for the Iran-Contra Investigation from 1987 to 1988.

RICARDO M. URBINA

Judge Urbina was appointed to the U.S. District Court in July 1994. He received a B.A. in 1967 from Georgetown University and graduated from the Georgetown University Law Center in 1970. He served as staff attorney for the D.C. Public Defender Service from 1970 to 1972 and then entered private practice. From 1974 to 1981 he taught at Howard University Law School and directed the University's Criminal Justice Program. He was appointed Associate Judge on the D.C. Superior Court in April 1981, and served as Presiding Judge of the Court's Family Division from 1985 to 1988.

EMMET G. SULLIVAN

Judge Sullivan was appointed United States District Judge for the District of Columbia in November 1994. He received a B.A. in 1968 from Howard University and a J.D. in 1971 from the Howard University School of Law. Following law school, Judge Sullivan was a Reginald Heber Smith Fellow and then clerked for Judge James A. Washington, Jr., of the Superior Court of the District of Columbia. From 1973 to 1984, Judge Sullivan served as an associate and partner at the firm of Houston & Gardner, and its successor, Houston, Sullivan & Gardner. He was appointed to the Superior Court of the District of Columbia in 1984 and served until 1992 when he was appointed to the District of Columbia Court of Appeals. Judge Sullivan served on that Court until his appointment to the federal bench.

JAMES ROBERTSON

Judge Robertson was appointed United States District Judge in December 1994. He graduated from Princeton University in 1959 and received an LL.B. from George Washington University Law School in 1965 after service in the U.S. Navy. From 1965 to 1969 he was in private practice with the law firm of Wilmer, Cutler & Pickering. From 1969 to 1972, Judge Robertson served with the

Lawyers' Committee for Civil Rights Under Law, as chief counsel in the Committee's litigation offices in Jackson, Mississippi, and as executive director in Washington, D.C. Judge Robertson then returned to private practice with Wilmer, Cutler & Pickering, where he remained until his appointment to the federal bench. While in private practice, he served as president of the District of Columbia Bar, co-chair of the Lawyers' Committee for Civil Rights Under Law, and president of Southern Africa Legal Services and Legal Education Project, Inc.

Senior Judges

OLIVER GASCH

Judge Gasch was appointed U.S. District Judge in August 1965 and took senior judge status in November 1981. He received his A.B. degree from Princeton University and his LL.B. in 1932 from George Washington University Law School. During World War II, he served as an officer in the United States Army, 1942-1946. Judge Gasch served as Assistant Corporation Counsel for the District of Columbia, 1937-1953; Principal Assistant United States Attorney, 1953-1956; United States Attorney for the District of Columbia, 1956-1961; and then entered private practice.

WILLIAM B. BRYANT

Judge Bryant was appointed to the U.S. District Court in August 1965, and took senior status in January 1982. He served as Chief Judge from March 1977 to September 1981. He graduated from Howard University, receiving his A.B. degree in 1932, and from Howard University Law School, receiving his LL.B. degree in 1936. Judge Bryant served in the U.S. Army from 1943 to 1947. He was an Assistant U.S. Attorney for the District of Columbia from 1951 to 1954. From 1954 until his appointment to the bench, Judge Bryant was engaged in private practice.

AUBREY E. ROBINSON, JR.

Judge Robinson was appointed to the United States District Court for the District of Columbia in November 1966. He served as Chief Judge of the Court from September 1982 until March 1992. Judge Robinson graduated from Cornell University, receiving a B.A. in 1943 and an LL.B. in 1947 from Cornell Law School. During World War II, he served in the United States Army, 1943-1946. From 1948 until 1965, Judge Robinson was engaged in the private practice of law. In 1965, he was appointed Associate Judge of the Juvenile Court for the District of Columbia, where he served until his appointment to the District Court.

JUNE L. GREEN

Judge Green was appointed to the United States District Court for the District of Columbia in June 1968 and took senior status in January 1984. She graduated from Washington College of Law, American University, receiving a J.D. degree in 1941. She was engaged in the private practice of law in Maryland and the District of Columbia for 25 years prior to her appointment to the bench.

THOMAS A. FLANNERY

Judge Flannery was appointed U.S. District Judge in December 1971. He received his LL.B. degree from Columbus University Law School, now part of Catholic University, in 1940. Judge Flannery served in the U.S. Air Force as a combat intelligence officer from 1942 to 1945. He was in private practice and served in the Department of Justice from 1945 to 1950. He was an Assistant U.S. Attorney for the District of Columbia from 1950 until 1961. Judge Flannery was a partner in the law firm of Hamilton & Hamilton from 1961 to 1969, when he was named U.S. Attorney for the District of Columbia, a position he held until his appointment to the Court.

LOUIS F. OBERDORFER

Judge Oberdorfer was appointed in October 1977. He graduated from Dartmouth College and received an LL.B. degree from Yale Law School in 1946 after his military service. Judge Oberdorfer was law clerk to Justice Hugo L. Black during the 1946 term of the Supreme Court. From 1947 until 1962, he was in private practice and became Assistant Attorney General, Tax Division, Department of Justice, in 1961. He returned to private practice in 1965. When appointed to the bench, Judge Oberdorfer was a partner at Wilmer, Cutler & Pickering. He served as Co-Chairman of the Lawyers' Committee for Civil Rights Under Law, a member of the Advisory Committee on the Federal

Rules of Civil Procedure, Chief Executive Officer of the Legal Services Corporation, and President of the D.C. Bar.

HAROLD H. GREENE

Judge Greene was appointed to the U.S. District Court in May 1978 and took senior status in August 1995. He graduated from George Washington University Law School in 1952. Judge Greene served as an Assistant United States Attorney from 1952 to 1957, and he was Chief of the Appeals and Research Section of the Civil Rights Division of the U.S. Department of Justice from 1957 to 1965. He was appointed to serve as an Associate Judge of the D.C. Court of General Sessions, later the D.C. Superior Court, from 1965 to 1966, and served as Chief Judge of D.C. Superior Court from 1966 to 1978.

JOYCE HENS GREEN

Judge Green was appointed United States District Judge for the District of Columbia in May 1979. She was a member of the U.S. Foreign Intelligence Surveillance Court from May 1988 until her seven-year term expired in May 1995, and served as its Presiding Judge from May 1990 until the expiration of her term. Judge Green graduated from the University of Maryland, receiving a B.A. in 1949, and the George Washington University Law School, receiving a J.D. in 1951. Judge Green practiced law in the District of Columbia and Virginia until appointed Associate Judge of the Superior Court of the District of Columbia in 1968, where she served until her appointment to the federal bench in 1979. Judge Green took senior status in July 1995.

Magistrate Judges

PATRICK J. ATTRIDGE

Magistrate Judge Attridge was appointed Magistrate of the U.S. District Court in May 1983. Following graduation from St. John's University in 1951 with a B.A. degree, he entered the U.S. Army and served in the Korean War. Upon his discharge from the Army, he resumed his studies and received his LL.B. from the Georgetown University Law Center in 1956. Prior to his appointment, Magistrate Judge Attridge was engaged in private practice in the District of Columbia and Maryland as a trial and appellate lawyer for over 26 years.

DEBORAH A. ROBINSON

Magistrate Judge Robinson was sworn in as U.S. Magistrate on July 18, 1988. She is a graduate of Morgan State University and Emory University School of Law. Magistrate Judge Robinson clerked for Chief Judge H. Carl Moultrie I of the Superior Court of the District of Columbia from 1978 to 1979. Following her clerkship, she joined the United States Attorney's Office for the District of Columbia, where she served for eight years prior to her appointment.

ALAN KAY

Magistrate Judge Kay was appointed a U.S. Magistrate Judge in September 1991. He is a graduate of George Washington University, receiving a B.A. degree in 1957 and a J.D. from its National Law Center in 1959. Magistrate Judge Kay clerked for U.S. District Court Judges Alexander Holtzoff and William B. Jones. He was an attorney with the Public Defender Service and served in the U.S. Attorney's Office. From 1967 until his appointment, he was in private practice in the District of Columbia.

Office of the Clerk of the District Court

Nancy Mayer-Whittington
Clerk of Court

The mission of the Clerk's Office is to provide courteous and efficient service to the Court, the bar, and the public. The Clerk's Office has 74 employees and is divided into four divisions: Operations, Administrative Services, Systems, and the Office of the Clerk.

The Operations Division consists of five judicial support units, the criminal unit, and the files/intake unit. The judicial support units are self-directed work teams comprised of courtroom deputies and docket clerks. Each unit provides complete support - courtroom coverage, case management, and docketing - to a small group of judicial officers associated with each unit. The criminal unit processes and docket all matters related to criminal cases. The files/intake unit oversees all aspects of records management and processes all civil matters submitted for filing.

Administrative Services has a breadth of responsibilities and plays a significant role in providing nonjudicial administrative support to the Court. Ten distinct functions are included in the mission of Administrative Services: attorney admissions, finance, jury, personnel, property and procurement, budget, space and facilities, training, interpreting services, and liaison to the court reporters.

The Systems Office provides automation support to the Court and the Clerk's Office. The Systems Office is responsible for maintaining the Court's docketing and case management database system and supporting the Court's local area network and all personal computers assigned to district court judges and their staff and the Clerk's Office staff.

The Office of the Clerk includes the Clerk of Court, her personal staff, and two pro se law clerks. This office provides staff support to the judges' committees and many of the court-appointed advisory committees. The Office of the Clerk also designs and implements a wide variety of special projects at the request of the Court.

United States Probation Office

Richard A. Houck
Chief U.S. Probation Officer

The Probation Office serves the U.S. District Court for the District of Columbia by performing presentencing investigations to assist District Judges in the choice of appropriate sentences for criminal defendants, and by supervising the activities of persons conditionally released to the community. The Probation Office is currently staffed with 44 probation officers and 25 support personnel.

The Office plays a critical role in the sentencing of criminal defendants by preparing Presentence Investigation Reports and providing Sentencing Guidelines calculations. Its Probation Officers gather and compile information related to the history and characteristics of a defendant, including prior criminal record, financial status, circumstances affecting the defendant's behavior helpful to sentencing or correctional treatment, classification of the offense and the defendant under the categories established by the U. S. Sentencing Commis-

sion, and victim impact statements.

U.S. Probation Officers also serve as officers of the United States District Court and as agents of the United States Parole Commission to supervise the activities of persons sentenced to probation, supervised release, and parole. Specialists administer contracts for services (or deliver services) for drug, alcohol, and mental health treatment, HIV/AIDS counseling, a sanction center, electronic monitoring of offenders, employment counseling, education and vocational assistance, and "special offenders." The mission of the office is to faithfully execute each offender's sentence, to control any risk posed by persons under its supervision, and to promote law-abiding behavior.

In 1995, the Probation Office increased productivity while reducing staff. Efficiency was enhanced by reorganizing work groups, employing flexible work schedules and work at home programs, and increasing the use of automation and telecommunications. The goal of the Office is to continuously improve its level of service to the Court by becoming more productive, knowledgeable, and efficient, and by employing procedures, techniques, and strategies which make the staff more effective as a team.

Court Reporters

Beverly Byrne
Supervisor, Court Reporters

The primary duties of the court reporters are to record court proceedings and to produce verbatim transcripts of the proceedings. By statute, the reporters are required to record all court sessions and other proceedings specified by statute, rule, or order of the court (28 U.S.C. § 753). While official court reporters are employees of the court, their position is unique. Official reporters receive an annual salary, but are the only court employees who must furnish their own sup-

plies and equipment. Unlike other court employees, reporters may charge and collect fees for certain work performed in the course of their official duties. While transcripts prepared for official court records are provided to the court free of charge, reporters may collect fees for preparing transcripts at the request of litigants. Fees for this service are established by the U.S. Judicial Conference.

At the close of 1995, the District Court employed 14 full-time reporters, the full complement authorized for the D.C. Circuit. The staff reporters serve the judges and magistrate judges of the District Court. When a staff reporter is not available, services of contract reporters are used.

Beverly Byrne became Supervisor of the Court Reporters in July 1995, after having served as a staff reporter at the court for eight years.

U.S. District Court Advisory Committees

The United States District Court has established seven committees, composed of members of the bench and bar, to assist in its administrative efforts.

Civil Justice Reform Committee

The establishment of the Civil Justice Reform Committee was approved by the Court in 1994 as an outgrowth of the Civil Justice Reform Act Advisory Group. The Committee works with the Court to review and assess the implementation of the expense and delay reduction plan for the Court.

The members of the Civil Justice Reform Committee are:

Stephen A. Saltzburg, Chair
John D. Bates
Jane Lang
Judith A. Miller
Dwight D. Murray
Elizabeth Paret, <i>ex officio</i>
Judge Royce C. Lamberth, Liaison

CJA Panel Selection Committee

Pursuant to the provisions of the Criminal Justice Act of 1964 (18 U.S.C. § 3006A), as amended, the Judges of the United States District Court for the District of Columbia have adopted a plan to provide for the adequate representation of any person otherwise financially unable to obtain adequate representation. The CJA Panel Selection Committee reviews the qualifications of private attorneys who are eligible and willing to provide representation under the Criminal Justice Act and recommends the best qualified to the Court.

The members of the CJA Panel Selection Committee are:

Judge Thomas Penfield Jackson, Chair
Magistrate Judge Deborah A. Robinson
Francis D. Carter
A.J. Kramer
R. Stan Mortenson

Committee On Grievances

Pursuant to Local Rule 705, the Court's Committee on Grievances is charged with receiving, investigating, considering, and acting upon complaints against members of the Bar of the District Court which may involve disbarment, suspension, censure, reinstatement, or other disciplinary actions.

The Committee is appointed by the Court, and membership is rotated after a period of service. The Committee receives complaints from judges, other members of the bar, and litigants.

The members of the Committee on Grievances are:

Joseph E. diGenova, Chair
Pamela B. Stuart, Vice Chair

Avis Buchanan
Richard L. Cys
Stuart H. Newberger
Rebecca L. Ross
LeeAnn Flynn Hall, Clerk
to the Committee

Judge Harold H. Greene, Liaison

Advisory Committee On Local Rules

Rule 83 of Title 28 of the United States Code permits each district to adopt local rules consistent with the Federal Rules. The Court's Advisory Committee on Local Rules was formed in 1973 to provide expert advice to the Court as local rules are promulgated and changed. The Committee, which is composed of local practitioners, also acts as a vehicle for the receipt and submission to the Court of comments on proposed rule changes.

The members of the Advisory Committee on Local Rules are:

John D. Aldock, Chair

Donald Bucklin
Robert J. Higgins
Wilma A. Lewis
Michael L. Martinez
Wendell W. Webster

Judge Thomas F. Hogan, Liaison

Committee On Non-Appropriated Funds

Local Rule 701, governing membership in the Bar of the District Court, requires the payment of small fees upon an attorney's initial admission and each subsequent triennial renewal. The fees are used, in part, to defray the cost of keeping the Court's Register of Attorneys current. Any balance is held in trust by the Clerk of Court, and the funds accumulated are spent from time to time, with the approval of the Court, primarily for the benefit of bench and bar.

Members of the Advisory Committee on Non-Appropriated Funds, who welcome suggestions for worthy projects, are:

Thomas Abbenante
William F. Causey
Robert J. Higgins
Darryl W. Jackson
Lynn C. Leibovitz
Cynthia W. Lobo
Nancy Mayer-Whittington, *ex officio*

Judge Thomas Penfield Jackson, Liaison

Committee On Pro Se Litigation

Pursuant to the provisions of Local Rule 702.1, the Committee on Pro Se Litigation was appointed to oversee the Civil Pro Bono Panel, which provides for the appointment of attorneys to represent *pro se* parties who are proceeding *in forma pauperis* in civil actions and cannot obtain counsel by any other means. There are currently 95 volunteer members of the Civil Pro Bono Panel. In 1994, the Court made 125 assignments to members of the Panel; in 1995, 87 assignments were made.

Members of the Committee on Pro Se Litigation are:

Elizabeth Sarah Gere, Chair

L. Graeme Bell, III	Michael M. Hicks	Jeffrey D. Robinson
Joel P. Bennett	Antonia B. Ianniello	Jonathan M. Smith
Thomas P. Brown, III	Karla Letsche	Allen R. Snyder
Lovida H. Coleman, Jr.	Richard Love	Grace E. Speights
John Facciola	Juan E. Milanes	Joan H. Strand
Eugene R. Fidell	Dwight D. Murray	Maureen T. Thornton Syracuse
Robert B. Fitzpatrick	Alan A. Pemberton	Maureen Feinroth, <i>ex officio</i>
Robert Hauhart	Douglas G. Robinson	Wendy Bhambri, <i>ex officio</i>

Judge James Robertson, Liaison

Rule 711 Counseling Panel

The Rule 711 Counseling Panel was established by the Court in 1990 to receive referrals from District Court judges of attorneys who exhibit a deficiency in performance. Upon referral, an attorney may receive counseling from a panel member on matters relating to litigation practice, ethics, or possible substance abuse problems.

The Rule 711 Counseling Panel members are:

Wendell W. Webster, Chair

William H. Briggs, Jr.

Francis D. Carter

James A. Hourihan

James C. McKay

M. Elizabeth Medaglia

U.S. District Court Workload Information

District Court filings rose 6 percent in 1994, then fell by 17 percent in 1995. This decrease resulted primarily from a 14 percent reduction in civil case filings, which comprised 88 percent of the overall caseload in 1995. Criminal case filings, representing 12 percent of the Court's caseload, rose slightly in 1994 and then fell considerably in 1995 (by 31 percent). The Court's pending cases, which had been on a downward trend since 1991, remained relatively stable in 1994, and then decreased by 13 percent in 1995. This decrease was due in part to the reduction in filings combined with the arrival of five new judges in 1994.

	1993	1994	Change	1995	Change
Filings	3,257	3,449	6%	2,871	-17%
Terminations	3,611	3,432	-5%	3,229	-6%
Pending	2,715	2,732	1%	2,374	-13%

After peaking in 1991, criminal filings were relatively stable from 1992 to 1994, then fell from 507 filings in 1994 to 350 filings in 1995 (a 31 percent decrease). Similarly, the number of criminal defendants decreased by 30 percent in 1995, from 641 defendants in 1994 to 449 in 1995. The Court also saw a 26 percent decrease in multiple-defendant cases, from 81 cases in 1994 to 60 cases in 1995.

Criminal Caseload Summary 1991-1995

The total numbers of criminal case terminations decreased in 1994 and 1995, and the way by which they were terminated also changed. During the preceding five years, pleas constituted an average of 53 percent of the total criminal terminations. During 1994 and 1995, approximately three-quarters of all terminated criminal cases were the result of pleas: 77 percent in 1994 (387 cases) and 73 percent in 1995 (280 cases).

Additionally, the number of cases terminating as a result of trials dropped significantly in 1994 (by 37 percent). During the five years prior to 1994, an average of 161 cases each year were terminated after trial (an average of 29 percent of the total criminal case terminations), with a high of 253 trials held in 1991. Since 1992, the number of terminations after trial has declined steadily.

Criminal Case Terminations 1991-1995

The median time from filing to disposition in criminal felony cases in 1994 was 7.1 months.

Although civil case filings increased slightly in 1994 (by 6 percent over the number of 1993 filings), the Court has seen a steady decline in filings through the 1990s, with 2,942 cases filed in 1994 and 2,521 filed in 1995, a decrease of 14 percent.

Civil Caseload Summary 1991-1995

The total number of civil cases terminated decreased slightly over the past two years: by 4 percent in 1994 and 3 percent in 1995. As in previous years, almost half of all civil cases terminated were terminated by dismissal, while the percentage terminated by settlement and by trial remained relatively steady.

**Civil Case Terminations
1994**

**Civil Case Terminations
1995**

U.S. Probation Office Workload Information

The supervision caseload of the Probation Office showed a steady decline from 1992 through 1994. However, the number of people supervised by the Probation Office increased by 23 percent in 1995.

Supervision Cases 1987-1995

In 1994, 56 percent of all supervision cases had special conditions imposed, as did 54 percent in 1995. Of the cases with special conditions, those requiring treatment for drug or alcohol abuse comprised by far the greatest portion of the workload (85 percent of the cases with conditions in 1994 and 77 percent in 1995). To handle this workload, the supervision units were reorganized, and Probation Officers with special counseling skills who formerly had handled only non-drug cases were trained to work with substance abusers. During 1994 and 1995, the Probation Office also provided vocational and educational training in a college setting for more than 50 offenders.

Supervision Cases with Special Conditions

1994:

1995:

The production of presentence reports represents an important part of the Probation Office's mission as the judges rely heavily on these reports to assist them in structuring sentences. Since decreasing by 28 percent in 1992, the number of presentence reports prepared by the Office increased by 7 percent in 1993, 6 percent in 1994, then declined slightly (by 4 percent) in 1995.

Presentence Reports 1985-1995

During 1994 and 1995, the Probation Office also completed 38 pretrial diversion reports. Under the auspices of the U.S. Attorney's Office, this program is designed to divert first-time offenders from the criminal justice system. If a defendant is determined to be qualified for the program, he/she is referred to the Probation Office for an investigative report. If accepted into the program, the defendant is placed under supervision for six to 12 months. If this period of supervision is completed successfully, the charges are dismissed. However, if the individual does not meet the supervision requirements, the normal legal process continues.

**United States
Bankruptcy Court**

United States Bankruptcy Court

S. MARTIN TEEL, JR.

Judge Teel was appointed to the Bankruptcy Court in February 1988. He is a graduate of the University of Virginia, receiving a B.A. in economics in 1967 and a J.D. in 1970. Following law school, Judge Teel served as a law clerk to Judge Roger Robb of the U.S. Court of Appeals for the District of Columbia Circuit. In 1971, Judge Teel joined the Tax Division of the Department of Justice where he served as an Assistant Chief of a Civil Trial Section from 1982 until his appointment to the Bankruptcy Court.

Office of the Clerk of the Bankruptcy Court

The Office of the Clerk of the Bankruptcy Court is responsible for the administrative and clerical operations of the Court, and oversees intake, processing, and maintenance of all bankruptcy cases and documents filed in the District of Columbia.

In addition, the Clerk's Office is responsible

Denise Curtis
Clerk of Court

for managing the courtroom, including maintenance of the Court's calendar and the electronic recording of the Court's proceedings.

The Clerk's Office is organized into five operating areas. All public inquiries and requests are handled by the public area which has primary responsibility for initial intake and opening of all new cases. Docketing, processing and administration of all pleadings and other documents filed under the various bankruptcy chapters are handled by the case administration area. The financial and statistical area prepares and maintains the financial and statistical documents and reports necessary to the operations of the Court and oversees case closings. The courtroom operations area attends to the courtroom, manages the Court's calendar, records Court proceedings, and handles requests for transcripts. The systems administration area develops and oversees the automation of the Court's operations.

U.S. Bankruptcy Court Advisory Committee

Advisory Committee on Local Rules

Rule 83 of Title 28 of the United States Code permits each District to adopt local rules consistent with the Federal Rules. The Court's Advisory Committee on Local Rules was formed in 1985 to provide expert advice to the Court as local rules are promulgated and changed. The Committee, which is composed of local practitioners and U.S. Trustees, also acts as a vehicle for the receipt and submission to the Court of comments on proposed rule changes. The Committee is currently making significant revisions to the Local Rules.

The membership of the Advisory Committee on Local Rules is as follows:

Paul D. Pearlstein, Chair	
Marc E. Albert	David Lynn
Stephen J. Csontos	Kevin R. McCarthy
Francis P. Dicello	Cynthia A. Niklas
Mary Joanne Dowd	Claire M. Whitaker
Dennis J. Early	William Douglas White
Judge S. Martin Teel, Jr., Liaison	

U.S. Bankruptcy Court Workload Information*

After a 12 percent decrease in 1993, bankruptcy filings resumed their upward trend in 1994, with a 10 percent increase in filings that year and an 8 percent increase in 1995. Similar to previous years and consistent with national statistics, the vast majority of bankruptcy filings were non-business: 92 percent of the case filings in 1994, and 94 percent in 1995.

	1993	1994	Change	1995	Change
Filings	1,273	1,396	10%	1,502	8%
Terminations	1,398	1,535	10%	1,736	13%
Pending	1,712	1,534	-10%	1,300	-15%

Caseload Summary 1991-1995

*All Bankruptcy Court statistics are from in-house reports.

Of the 1,396 cases filed in 1994, 915 were filed under Chapter 7, 431 under Chapter 13, and 50 under Chapter 11. In 1995, 1,502 bankruptcy cases were filed: 986 under Chapter 7, 467 under Chapter 13, and 49 under Chapter 11. After increasing 57 percent in 1993, adversary proceedings have declined significantly, with a 66 percent decrease in 1994 and an 18 percent decrease in 1995 (148 filings in 1994 and 122 filings in 1995).

**Case Filings
1994**

**Case Filings
1995**

Of the 1,535 cases closed in 1994, 977 were Chapter 7, 56 were Chapter 11, and 502 were Chapter 13. Of the 1,736 cases closed in 1995, 1,069 were Chapter 7, 100 were Chapter 11, and 567 were Chapter 13. These totals reflect increases of 10 percent and 13 percent, respectively, over each preceding year.

During 1994, 295 adversary proceedings were terminated (13 percent less than in the preceding year), and 212 were terminated in 1995 (28 percent less than in the preceding year).

**Case Terminations
1994**

**Case Terminations
1995**

Of 1,534 cases pending at the end of 1994 and 1,300 pending at the end of 1995, just over half (781 cases in 1994 and 680 cases in 1995) were Chapter 13 cases. The bulk of the remaining pending cases (611 in 1994 and 529 in 1995) were Chapter 7. Chapter 11 cases composed the smallest portion of the pending caseload, with 142 cases pending at the end of 1994, and 91 pending at the close of 1995.

**Pending Cases
1994**

**Pending Cases
1995**